

Applicants: David Baltimore et al.  
Serial No.: 10/037,341  
Filed : January 4, 2002  
Page 3 of 8

**In the Drawings**

Please cancel Figure 43 from the subject application under examination pursuant to M.P.E.P. §608.02(t). In accordance with M.P.E.P. §608.02(t) a copy of Figure 43 surrounded by brackets and identified as "Canceled" is attached hereto as **Exhibit A.**

Applicants: David Baltimore et al.  
Serial No.: 10/037,341  
Filed : January 4, 2002  
Page 4 of 8

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants direct the Examiner's attention to the following disclosures, which are listed on Form PTO-1449 (**Exhibit B**). Copies of all of the documents listed have been submitted in connection with U.S. Patent No. 6,410,516 and its in reexamination proceedings (*Ex Parte* reexamination Control Nos. 90/007,503, filed April 4, 2005, and 90/007,828, filed December 2, 2005), which documents are publicly available. The subject application claims benefit of the filing date of U.S. Patent No. 6,410,561 under 35 U.S.C. §120. Accordingly, copies of items 1-31 are not attached to this Supplemental Information Disclosure Statement but are readily available to the Examiner and to the public from the file history of U.S. Patent No. 6,410,516.

1. U.S. Patent No. 4,684,623, issued August 4, 1987, Larrick et al.;
2. U.S. Patent No. 5,658,803, issued August 19, 1997, Kuo;
3. U.S. Patent No. 5,698,419, issued December 16, 1997, Wolpe et al.;
4. WO 89/07614, 24 August 1989, PCT/US89/00553, filed 10 February 1989
5. Beutler, B. et al., "Passive Immunization Against Cachectin/Tumor Necrosis Factor Protects Mice from Lethal Effect of Endotoxin", *Science* (1985) 229:869-871;
6. Beutler, B. and Cerami, A., "Cachectin: More Than A Tumor Necrosis Factor", *The New England Journal of Medicine* (1987) 316:379-385;

Applicants: David Baltimore et al.  
Serial No.: 10/037,341  
Filed : January 4, 2002  
Page 5 of 8

7. Beutler, B. and Cerami, A., "Tumor Necrosis, Cachexia, Shock, And Inflammation: A Common Mediator", Ann. Rev. Biochem. (1988) 57:505-18;
8. Blasco, R. et al., "Variable and Constant Regions in African Swine Fever Virus DNA", Virology (1989) 168:330-338;
9. Brady, J. et al., "Interaction between two transcriptional control sequences required for tumor-antigen-mediated simian virus 40 late gene expression", Proc. Natl. Acad. Sci. USA (1985) 82:7299-7303;
10. Brady, J. and Khoury, G., "trans Activation of the Simian Virus 40 Late Transcription Unit by T-Antigen", Molecular and Cellular Biology (1985) 5:1391-1399;
11. Enjuanes, L. et al., "Titration of African Swine Fever (ASF) Virus", J. Gen. Virol. (1976) 32:471-477;
12. Enjuanes, L. et al., "Isolation and Properties of the DAN of African Swine Fever (ASF) Virus", J. Gen. Virol. (1976) 32:479-492;
13. Fendly, B.M. et al., "Murine Monoclonal Antibodies Defining Neutralizing Epitopes on Tumor Necrosis Factor", Hybridoma (1987) 6:359-370;
14. Israël, A. et al., "A common positive trans-acting factor binds to enhancer sequence in the promoters of mouse H-2 and  $\beta_2$ -microglobulin genes", Proc. Natl. Acad. Sci. USA (1987) 84:2653-2657;
15. Israël, A. et al., "TNF stimulates expression of mouse MHC class I genes by inducing an Nf $\kappa$ B-like enhancer binding activity which displaces constitutive factors", The EMBO Journal (1989) 8:3793-3800;
16. Lenardo, M.J. and Baltimore, D., "NF- $\kappa$ B: A Pleiotropic Mediator of Inducible and Tissue-Specific Gene Control", Cell (1989) 58:227-229;

Applicants: David Baltimore et al.  
Serial No.: 10/037,341  
Filed : January 4, 2002  
Page 6 of 8

17. Meager, A. et al., "Preparation and Characterization of Monoclonal Antibodies Directed Against Antigenic Determinants of Recombinant Human Tumour Necrosis Factor (rTNF)", Hybridoma (1987) 6:305-311;
18. Mercola, M. et al., "Immunoglobulin Heavy-Chain Enhancer Requires One or More Tissue-Specific Factors", Science (1985) 227:266-270;
19. Rothlein, R. et al., "Induction of Intercellular Adhesion Molecule 1 on Primary And Continuous Cell Lines By Pro-Inflammatory Cytokines", The Journal of Immunology (1988) 141:1665-1669;
20. Schöler, H.R. and Gruss, P., "Specific Interaction between Enhancer-Containing Molecules and Cellular Components", Cell (1984) 36:403-411;
21. Singh, H. et al., "A nuclear factor that binds to a conserved sequence motif in transcriptional control elements of immunoglobulin genes", Nature (1986) 319:154-158;
22. September 13, 2007 Order, Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT;
23. September 20, 2007 Amgen Entities' Amended Response And Objections To Ariad's Interrogatory No. 12, Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT;
24. September 21, 2007 Wyeth's Third Set of Supplemental Responses And Objections To Ariad's First Set of Interrogatories (Nos. 1-25), Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT;
25. September 24, 2007 Answer To Amended Complaint, Amended Counterclaim and Demand For Jury Trial, Amgen, Inc. et

Applicants: David Baltimore et al.  
Serial No.: 10/037,341  
Filed : January 4, 2002  
Page 7 of 8

- al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT;
26. September 26, 2007 Deposition of David Baltimore including Exhibits 169-178, 1008-1016, 1, 11, 12, 57, 146, 1002 and 1004, Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT;
  27. October 3, 2007 Videotaped Deposition of Tom Maniatis, Ph.D. including Exhibits 1, 11-12, 31-32, 35-36, 78, 179-189 and 191-194, Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT.
  28. October 4, 2007 continued Videotaped Deposition of Tom Maniatis, Ph.D. including Exhibits 1, 11-12, 31-32, 35-36, 78, 195-196, 1017-1022, Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT;
  29. October 9, 2007 Amgen Entities' Reply to Ariad, Harvard, MIT, And Whitehead's Amended Counterclaim, Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT;
  30. October 9, 2007 Wyeth's Reply To Ariad Pharmaceuticals, Inc., Massachusetts Institute of Technology, The President And Fellows of Harvard College, And The Whitehead Institute for Biomedical Research's Amended Counterclaim, Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc. et al., D. Del. Civil Action No. 06-259-MPT; and
  31. October 31, 2007 Wyeth's Fourth Set of Supplemental Responses And Objections To Ariad's First Set of Interrogatories (Nos. 1-25), Amgen, Inc. et al. v. Ariad

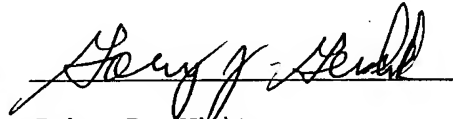
Applicants: David Baltimore et al.  
Serial No.: 10/037,341  
Filed : January 4, 2002  
Page 8 of 8

Pharmaceuticals, Inc. et al., D. Del. Civil Action No.  
06-259-MPT.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$180.00 fee for filing a Supplemental Information Disclosure Statement, is deemed necessary in connection with the filing of this Amendment. Accordingly, a check for \$180.00 is enclosed. However, if any fee is required, authorization is hereby given to charge the additional amount of any such fee to Deposit Account No. 03-3125.

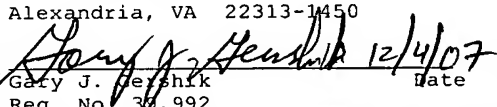
Respectfully submitted,



John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

 12/4/07  
Gary J. Gershik  
Reg. No. 39,992

Date

**EXHIBIT A**

Applicant: David Baltimore et al.

Serial No.: 10/037,341

Filed: January 4, 2002



Annotated Sheet

56 of 58

Canceled

Figure 43

AACATTGCAACCTTATAAAATTAACATATTCGACAATGCCGACAGAGAAATTTCTGTGTTTAGGTGCTGGTGGG  
AAAACACTATCTCCAGCTTGAGTTTGAGCATCACAGAACCACTTGATGAAATCACACACAGAACAGTAGAGG  
AGGCAACTGTGAATCGTGGGCTATAAAGCCATCAAGGGATCTGATGAAGAACCCGAGACGAAACCCCCACC  
CCCCAACACAGGATCGGACCCAGAGTTCAACAAGTGGCTGACTTTGTTAAACACTACGTGGGAACCCCATAGTC  
CCGGATCAGTAGTTGCACAGCCCCCTCCCCGACAGACTACACCGCTGTTGCTGATCCTTGCCACCCCATGCTCT  
CCTCCAGGCCCCCTGCTCTGCTCTGCTGCTGCGGCTGGATTGAACCGCACACAAGTCTGCATCTGGCACGAA  
TTCTCATGGGAGCCACGTGATGAGTACGTGGTTGCACACCTATCAACAAGAGTCTTGCAAGTCTGACTCTCCTGA  
GCTCGGTGGAAAGTCTGGATAGTACCTCCCTCTCCTGCCACAAAGCAGCCCTCACATTCACAAGTTTCCAAAG  
CAGGTCTATTGAGTTTCTTTCAGAGCGAGCCTTTGTCAACACACACCTGGAGGGGGAGTCTCACCTCTCCCCAGC  
AACTCAGATCAGTGCCCTTATTTTAATGCTCCGCCCCAATCCTGAGGTGCTGCTGGGTTGTGGGCTGCGTTTGT  
TGAACCTCCCCCTCCCCAAGCCCTGGCATTTGCAATTAAACTGGGATCAAGGGCCAAATTCAGGCCCA  
GAGTGAGCAGTAGGATGTGGAGCTCAAGCAGAGTGTGACCTGCTGACCCCGAGCTGAATTTGGTTACCCAGAG  
ACTACAAGTCAGAAAGGCATGTTTAGAAGAGGCATGCTAAGACTGATGGTGAACGGCCAAATTTGTCCCCACCA  
GCACAGTGGGAAGGCTGGACAGAGAGGAAGAGGATCCATAGAGATGTGAACACAGAAATCAGTCGTGTTGAGC  
TCTGGGTATATCACTACATGTTAACTCTTGCAAGACCGTTTGCCCCAGGCTTTGGTACCACAGGGTTAGAGTTAC  
ATTAACCAACACCACAGAGGAACTGAGGTTTATGACCCCCCCCCCAAGGTTAGATTCTGCGCGAGTATA

M T P P P P P K V R F L P S I

AAGGGGGGAAGGGGGGCTCCTTGTTTCATTTCCCTTCACTGTGTGACCGAAGTTTGTGCTTTTATTTGTAACA  
K G G E G G G P W F I S L H C V T E V L L L F V N I

TCTTGAATTACCCGTCGTTTCCAGTCTTCATCGTGTGTCAGGCCACTGGAGGGAATTTCCCGTCTCGGAAC  
L N Y P S F S S L H R A V V R P L E G I P R L G T

GCCGCGCCAGCAGCG  
P P P A P A A A P R R P A S S A A M L S A H R P A



# Annotated Sheet

57 of 58

Cancelled

Figure 43 (continued)

GAGCCGCCCGCGTGGAGGGCTGCGAGCCGCCGCGCAAGGAACGGCGGGCTGCTGCCGCCCGACGACCGCC  
E P P A V E G C E P P R K E R Q G G L L P P D D R H

ACGACAGCGGGCTGACTCCATGAAGGAGGAGGAGTACAGGCAGCTGGTCCGGGAGCTGGAGGACATCCGCCCTGCA  
D S G L D S M K E E E Y R Q L V R E L E D I R L Q

GCCCCGCGAGCCGCCCGCGCACGCCCTGGCCCCAGCAGCTCACCGAGGACGGCGACACTTTTCTCCACTTG  
P R E P P A R P H A W A Q Q L T E D G D T F L H L

GCGATCATTCACGAGGAAAGCCCTGAGCCTGGAGGTGATCCGGCAGGCCGCTGGGGACGCCCTTCTGAACT  
A I I H E E K A L S L E V I R Q A A G D A A F L N F

Ank. I

TCCAGAACACCTCAGCCAGACTCCGCTCCACCTGGCGGTGATCAGGACCGCGGAATCGCCGAGCACCTGCT  
Q N N L S Q T P L H L A V I T D Q A E I A E H L L

Ank. II

GAAGGTGGCTGGACCTGGATGTCAGGGACTTCCGTGGGAACACCCGCTCCACATCGCTGCCAGAGGGCTCG  
K A G C D L D V R D F R G N T P L H I A C Q Q G S

Ank. III

CTCCGCGAGCTCAGTGTCTCCTCAGCAGCACTGCCAGCCCCACCACTCCTCGCCGTCCTGCAGGCCCACTACA  
L R S V S V L T Q H C Q P H H L L A V L Q A T N Y N

ACGGCCATACATGTCTCCATTGGCATCTATTCAAGGATACCTGGCTGTGTGCGAATACCTGCTGCTTAGGAGC  
G H T C L H L A S I Q G Y L A V V E Y L L S L G A

Ank. IV

AGATGTAAATGCTCAGGAGCCATGCAATGGGAGAACAGCACTACACTTGGCCGTAGACCTTCAGAATCAGACCTG  
D V N A Q E P C N G R T A L H L A V D L Q N S D L

Ank. V

*Canceled*

Figure 43 (continued)

GTGTCACTTCTGGTGAACACGGGCCAGATGTGAACAAAGTGACCTACCAGGGCTACTCCCCATACCAGCTTACAT  
V S L L V K H G P D V N K V T Y Q G Y S P Y Q L T W

GGGCAGAGACAACGCCAGCATACAGGAGCAGCTGAAGCTGCTGACCACAGCTGACCTGCAGATACTGCCCGAAAGT  
A E T T P A Y R S S 354

GAGGATGAGGAGAGCAGTGAATCAGAGCCAGAGTTACAGAGGATGAACCTTATGTATGATGACTGCTGTATTGGAG  
GAAGACAGCTGACATTTAAAGCAGAGGTTTCTGTGAGAAAGTGACTGTGTACATATGTATAGGAAATAAGCCTGA  
CTTCTTCATTTAAAGAAAGTCTATACTCGAAGGAGAAAGTACTGAGATACTACACTGCCCAGCCAGGAGC  
ACATCATGCTAACAGGTTCCATGCTCTGACCTGTACTTAAGTAACGGGATGGGATGTGTAAACATCGTTAAGAGATC  
AGTGAACATGCACACCATCTGATAAAGAGCCACGTTATCTAATTTCTCTGCCACATGAGGATAACGGACTGCACGT  
CCAATGTGCTGTTGTGAGAAATGCCGTTTGAGAGCTGCCCTGTGACACTAAGTGTGAGGAGTGCTCATCCCCCT  
CGGTGGCAAGACAGGCTTGACACAACGTCCCCATCTGCTTGAAGACTGTGAGGTTGGCATTAGGTTGAGGCACTGCT  
GTGCCCTGCTCCCTGACCTGGCTGCTCAGGTTGAGGAGTCCGACCATGGGAGAGGTGACCTGGCTGGGAGG  
AAGGTAGCAATGATGTTAACTGTGGGCAATTTGGAAACTGTGTGTTTCACACCATGTGTGTCAATTTGCTACACTT  
TTTAGCAACTGTATAGAATGTAAATACTGTACATCTTTGTTTATAATTATTTTGGTACCTGTGAGATATGTATTTA  
TTAAAAAAGGCAGATTTCTGTAAAAA

**EXHIBIT B**

Applicant: David Baltimore et al.

Serial No.: 10/037,341

Filed: January 4, 2002